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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,098	11/20/2003	Lyons-Leon Albert	41941.8003.US00	1097

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,098

Applicant(s)

ALBERT ET AL.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In line 6, the word "course" should read --coarse--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boord (USPN 6729972) in view of Sebo et al. (USPN 3873094) and Hamada (USPN 494800).

Regarding claims 1 and 3-7, Boord discloses a club head comprising a recess having a polymer insert wherein the polymer insert is transparent and made of a transparent material. The recess is formed in the striking plate of a putter head but it is noted that the invention may also be employed in woods and irons. Boord discloses the polymer insert made of epoxy but notes that any other type of transparent polymer may be substituted therefor (See Column 4, lines 48 through 67). Sebo et al. discloses a putter wherein the putter is made of a light-transmitting material (transparent) such as polyurethane, polycarbonate, polypropylene, and methylmethacrylate. The light transmitting material allows the weight weights to be visible to the user for use as

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alignment aids (See paragraph bridging columns 2 and 3). From Sebo et al. it is evident that the material is a poured plastic material because it noted the weights being embedded within the club heads meaning that the plastic material was molded around the weights. One having ordinary skill in the art would have found it obvious to substitute the transparent material of Boord for that of Sebo et al. because they both allow for the transmission of light such that the element in which is covers can be visible to the user. Boord does not disclose the recess having a coarse surface. Hamada discloses a club head having a recess and an insert wherein the insert has a coarse surface around its perimeter for improving adhesion to the recess. Though the coarse surface is on the insert, Hamada teaches having a coarse surface to improve adhesion; therefore, one having ordinary skill in the art would have found it obvious to have the recess coarse, as suggested by Hamada, in order to improve adhesion of the insert to the recess. Boord does not disclose the thickness of the plastic insert. Though Boord does not disclose the thickness of the plastic insert, the applicant does not disclose the importance of the thickness of the insert. It is well understood within the art for the adjustment of the club head center of gravity be controlled by the allocation of weight within the club head. Boord discloses the plastic insert allowing more of the mass to be located in the heel and toe of the club head (See Paragraph Bridging Column 3 and 4). One having ordinary skill in the art would have found it obvious to have the plastic insert of any thickness so long as it is configured such that the mass distribution of the club head is balance.

Regarding claim 2, Boord discloses the polymer insert having a pattern or logo under the polymer insert.

Regarding claims 14-17, claims are directed to a process of making the product. The combination discloses the desirability of the final product; therefore, the process in which the product is made will not be given patentable weight.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin A. Hunter, Jr.



EUGENE KIM
SUPERVISORY PATENT EXAMINER